

1 OFFICE OF THE COUNTY COUNSEL
County of San Joaquin
2 DANIEL C. CEDERBORG, CSB #124260
Deputy County Counsel
3 JASON R. MORRISH, CSB #192686
Deputy County Counsel
4 Courthouse - Room 711
222 East Weber Avenue
5 Stockton, California 95202
Telephone: (209) 468-2980
6
Attorneys for Defendants,
7 COUNTY OF SAN JOAQUIN, SHERIFF BAXTER
DUNN and SHERIFF's DEPARTMENT
8 OF SAN JOAQUIN COUNTY
9

10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12

13 ROBERT T. BROWN, individually and on
behalf of Class of Persons similarly situated,

14 Plaintiff,

15 vs.

16 COUNTY OF SAN JOAQUIN, SHERIFF
17 BAXTER DUNN, SHERIFF'S DEPARTMENT
OF SAN JOAQUIN COUNTY and DOES I
18 through X inclusive,

19 Defendants.
20

CASE NO. CIV.S-04-2008 FCD PAN

**STIPULATION AND ORDER
DISMISSING CERTAIN CLAIMS
AND PARTIES**

21
22 Plaintiff ROGER T. BROWN and Defendants COUNTY OF SAN JOAQUIN, SHERIFF
23 BAXTER DUNN, DEPUTY RICHARD DUNSING, DEPUTY SEMILLO, DEPUTY
24 MENDEZ, and LT. MENDOZA, by and through their respective counsel, respectfully submit
25 this **STIPULATION AND ORDER DISMISSING CERTAIN CLAIMS AND PARTIES** for
26 consideration by the Court. The Parties have reached agreement on dismissing some but not all
27 of the claims and parties in this litigation as set forth below.
28

///

STIPULATION

The Parties hereby stipulate as follows:

1. All class action allegations are dismissed with prejudice.

2. Sheriff Baxter Dunn, and Sheriff's Deputies Mendez and Semillo are dismissed as defendants for all purposes with prejudice

3. The Second Cause of Action under 42 U.S.C. §1983 based on 1st Amendment Free Speech is dismissed with prejudice as to all defendants.

4. The Fifth and Sixth Causes of Action for conspiracy under federal civil rights statutes are dismissed with prejudice as to all defendants.

5. The Eighth Cause of Action for violation of Unruh and Tome Bane Civil Rights Act is dismissed with prejudice as to all defendants.

6. The remaining Causes of Action and parties shall continue in this action as set forth in the amended complaint.

7. The parties shall each bear their own costs and attorneys fees with respect to the dismissals in this stipulation.

WHEREFORE, the parties stipulate to and request from the Court an order confirming the above stipulation and dismissing certain claims and parties from this action as set above.

Respectfully submitted,

OFFICE OF THE COUNTY COUNSEL

Dated: April 27, 2006

By: /s/ Daniel C. Cederborg
DANIEL C. CEDERBORG
Deputy County Counsel

Attorneys for Defendants,
COUNTY OF SAN JOAQUIN, SHERIFF
BAXTER DUNN and SHERIFF'S
DEPARTMENT OF SAN JOAQUIN
COUNTY

1 Dated:

2 By: BRUCE W. NICKERSON
3 Attorney at Law

4 Attorney for Plaintiff,
5 ROBERT T. BROWN

6
7 **ORDER OF THE COURT**

8 The Parties to this action having stipulated to the dismissal of certain claims and parties
9 in this action, and good cause appearing,

10 IT IS HEREBY ORDERED THAT:

11 1. The Stipulation is hereby confirmed and the claims and parties identified in the
12 Stipulation above are hereby dismissed with prejudice.

13 2. The parties shall each bear their own attorney's fees and costs with respect to the
14 dismissals of claims and parties in this stipulated order.

15
16 Date: May 2, 2006

17 /s/ Frank C. Damrell Jr.
18 Hon. Frank C. Damrell, Jr.
19 United States District Judge
20
21
22
23
24
25
26
27
28